



LEGISLATURE

MINUTES

JUDICIARY INTERIM COMMITTEE

Wednesday, May 15, 2019 | 1:15 p.m. | 20 House Building

Members Present:

Sen. Todd Weiler, Chair
Rep. Karianne Lisonbee, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Lyle W. Hillyard
Rep. Cheryl K. Acton
Rep. Brady Brammer
Rep. Craig Hall
Rep. Jon Hawkins
Rep. Eric K. Hutchings
Rep. Stephanie Pitcher

Rep. Travis M. Seegmiller
Rep. V. Lowry Snow
Rep. Steve Waldrip
Rep. Mark A. Wheatley

Members Absent:

Rep. Brian S. King

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Ms. Jacqueline Carlton, Associate General Counsel
Ms. Andrea Crabb, Administrative Assistant

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Weiler called the meeting to order at 1:25 p.m.

The committee and staff introduced themselves.

1 . Committee Business

MOTION: Rep. Lisonbee moved to approve the October 17, 2018, and November 14, 2018, meeting minutes. The motion passed with a vote of 13 - 0 - 3.

Yeas-13

Rep. C. Acton
Rep. B. Brammer
Sen. L. Escamilla
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0

Absent-3

Sen. K. Cullimore
Sen. L. Hillyard
Rep. B. King

[Open and Public Meetings Act – 2019 Summary](#)

Chair Weiler asked if committee members had any questions regarding the Open and Public Meetings Act.

2 . Savely v. Utah Highway Patrol

[Utah Supreme Court case – Savely v. Utah Highway Patrol](#)

Ms. Ann Taliaferro, Counsel for Appellant, briefed the committee on the Utah Supreme Court's decision.

Mr. Mark Burns, Counsel for Appellees, Office of the Utah Attorney General, addressed the committee regarding the timeline of the case.

Mr. Connor Boyack, Libertas Institute, provided information regarding state forfeiture and federal forfeiture.

MOTION: Rep. Lisonbee moved to open a committee bill file addressing forfeiture. The motion passed with a vote of 12 - 0 - 4.

Yeas-12

Nays-0

Absent-4

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Sen. L. Escamilla
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King

3 . What is "The Problem"?

Rep. Lawanna Shurtliff, study sponsor, discussed the nature and extent of the problem that prompted the study item, which is to study prohibiting a private entity from both assessing an individual to determine if substance use disorder treatment is necessary and also providing the substance use disorder treatment to the individual. She answered questions from the committee.

Ms. Julie Ann Mata, Advanced Licenses Substance Use Disorder Counselor, discussed her experience in providing an outpatient treatment program.

Rep. Marsha Judkins, study sponsor, discussed the nature and extent of the problem that prompted the study item, which is to study creating a prosecutor review board to investigate and report on complaints of prosecutor misconduct.

Sen. Todd Weiler, study sponsor, discussed the nature and extent of the problem that prompted the study item, which is to study the process for removing a nonviolent offender from the sex offender registry database. He answered questions from the committee.

Rep. Carol Spackman Moss, study sponsor, discussed the nature and extent of the problem that prompted the study item, which is to study modifying the circumstances under which a defendant may plead not guilty to a criminal offense by reason of insanity.

Mr. Neal Hamilton, Salt Lake Legal Defenders Association, addressed current Utah law regarding criminal responsibility.

Rep. Norman Thurston, study sponsor, discussed the nature and extent of the problem that prompted the study item, which is to study how to reduce abusive lawsuits regarding the federal Americans With Disabilities Act. He answered questions from the committee.

Rep. Karianne Lisonbee, study sponsor, discussed the nature and extent of the problem that prompted the study item, which is to study the appropriate criminal and civil penalties for a parent not paying child support.

Ms. Shelly Kudrow, Office of the Utah Attorney General, addressed probation time in criminal nonsupport cases and answered questions from the committee.

4 . 2019 Interim Study Items

Judiciary Interim Committee – 2019 Study Topics

[Judiciary Interim Committee – 2019 Study Topics](#)

MOTION: Rep. Lisonbee moved to add 'asset forfeiture' to the interim study item list. The motion passed with a vote of 12 - 0 - 4.

Yeas-12

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0

Absent-4

Sen. L. Escamilla
Rep. E. Hutchings
Rep. B. King
Rep. V. Snow

MOTION: Rep. Brammer moved to adopt 2019 Study Topics, as amended.

SUBSTITUTE MOTION: Rep. Lisonbee moved to add a 'review of appellate decisions that call for legislative action' to the 2019 Study Topics and adopt the study topics, as amended. The substitute motion passed with a vote of 12 - 0 - 4.

Yeas-12

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0

Absent-4

Sen. L. Escamilla
Rep. E. Hutchings
Rep. B. King
Rep. V. Snow

5 . Reports to the Judiciary Interim Committee

[Reports to Judiciary Interim Committee](#)

Chair Weiler reviewed the statutory reports that the committee is required to receive.

MOTION: Rep. Lisonbee moved to adopt the chairs' recommendations for the reports. The motion passed with a vote of 12 - 0 - 4.

Yeas-12

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-4

Sen. L. Escamilla
Rep. E. Hutchings
Rep. B. King
Rep. V. Snow

MOTION:

Rep. Lisonbee moved to authorize the chairs to open bill files relating to any of the study items. The motion passed with a vote of 12 - 0 - 4.

Yeas-12

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-4

Sen. L. Escamilla
Rep. E. Hutchings
Rep. B. King
Rep. V. Snow

6 . Lawsuits that Challenge the Constitutionality of State Law

[Utah Code Section 67-5-1 -- 2019](#)

[Utah Rules of Civil Procedure -- Rule 24](#)

[Utah Rules Of Appellate Procedure -- Rule 25A](#)

[Lawsuits that challenge constitutionality of state law -- state is a named party](#)

[Lawsuits that challenge constitutionality of state law -- notification per court rules](#)

Mr. Lance Sorenson, Office of the Utah Attorney General, spoke on the responsibility of the Office of the Utah Attorney General to report on the status and progress of any lawsuits that challenge the constitutionality of state law. He answered questions from the committee.

MOTION:

Rep. Lisonbee moved to open a committee bill file to modify the reporting requirement. The motion passed with a vote of 12 - 0 - 4.

Yeas-12

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-4

Sen. L. Escamilla
Rep. E. Hutchings
Rep. B. King
Rep. V. Snow

7 . Other Items/Adjourn

MOTION: Rep. Lisonbee moved to adjourn. The motion passed with a vote of 11 - 0 - 5.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-5

Sen. L. Escamilla
Rep. E. Hutchings
Rep. B. King
Rep. T. Seegmiller
Rep. V. Snow

Chair Weiler adjourned the meeting at 3:39 p.m.